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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-seventh session

Summary record of the 2280th meeting*
Held at the Palais des Nations, Geneva, on Thursday, 1 February 2018, at 3 p.m.

Chair: Ms. Winter

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* No summary records were issued for the 2274th to 2279th meetings.

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The meeting was called to order at 3.10 p.m.

Other matters

Informal meeting with States

1. **The Chair** said that the Committee had considered 32 State party reports during 2017, so that the backlog of reports had been reduced from 80 three years previously to 33.

2. The Committee had held a meeting with the United Nations Children's Fund (UNICEF) the previous day to discuss potential synergies and procedures for the sharing of information. It also collaborated with civil society organizations such as Child Rights Connect and established direct contact with children, who were invited to attend pre-sessional meetings and to submit information to the Committee in letters and through other means of communication.

3. The Committee was concerned at the relatively low rate of ratification of the Optional Protocols to the Convention. The number of States that had ratified the Optional Protocol on the sale of children, child prostitution and child pornography had increased by only 2 to 174 since the last informal meeting; the number that had ratified the Optional Protocol on the involvement of children in armed conflict had increased by only 1 to 167; and the number that had ratified the Optional Protocol on a communications procedure had increased by 4 to 37.

4. The rates of late reporting were also a source of concern: 37 per cent for the Optional Protocol on the sale of children, child prostitution and child pornography; 28 per cent for the Optional Protocol on the involvement of children in armed conflict; and 20 per cent for the Convention. Since the last informal meeting, the Committee had received 18 reports on the Convention, 3 on the Optional Protocol on the sale of children, child prostitution and child pornography, and 1 on the Optional Protocol on the involvement of children in armed conflict. She encouraged States parties to use the assistance for compliance with their reporting obligations provided by the Office of the United Nations High Commissioner for Human Rights through its treaty-body capacity-building programme, for instance in the form of subregional training-of-trainer workshops, support for national reporting and follow-up mechanisms, and training methodologies for State officials.

5. The Committee had to date considered six communications under the Optional Protocol on a communications procedure: three had been declared inadmissible; a violation had been found in one case; and two cases had been discontinued.

6. **Mr. Cardona Llorens** said that the Committee consistently included references to the Sustainable Development Goals in its recommendations, but it was deeply concerned about the failure of States parties to recognize their relevance to the rights enshrined in the Convention. He therefore urged them to take the linkage into account in their reports.

7. **The Chair** said that the Committee had developed the simplified reporting procedure to render the reporting procedure less cumbersome. Yet only four States parties had taken advantage of the procedure to date. She hoped that it would attract more States parties in the near future.

8. **Ms. Sandberg** said that, under the simplified reporting procedure that had been launched in 2016, the Committee sent the State party concerned a list of issues prior to reporting containing up to 30 questions about measures and developments relating to the implementation of the Convention and, where appropriate, the Optional Protocols. Other relevant issues could also be mentioned in the report. The State party's replies constituted its report to the Committee. Further information about the procedure could be found on the Committee's website.

9. The simplified procedure was available to States parties whose periodic reports fell due from 1 September 2019. It had been offered to almost 30 States parties to date. The eight States whose periodic reports were due between September and December 2020 had been asked to respond to the offer by March 2018. Switzerland had already replied in the affirmative.

10. The Committee would produce lists of issues prior to reporting at the meeting of its pre-sessional working group in June 2018 for the States parties that had agreed to use the procedure in response to the first round of invitations, namely Croatia and Hungary. They would be required to submit their report by 1 June 2019. The Committee would hold its constructive dialogue with the two States parties in January 2020. Poland was the only other State party to respond positively to the invitations issued during the first year.

11. Discussions with other treaty bodies would be held during 2018 with a view to harmonizing the simplified reporting procedure.

12. **The Chair** said that the Optional Protocol on a communications procedure was sometimes perceived by States as a tool for enabling citizens to denounce them. She wished to reassure them that that was not the case.

13. **Mr. Nelson** said that the Committee had received more than 100 complaints under the Optional Protocol, but only 39 were currently registered, of which 31 had been registered in 2017. There had been a sharp increase in the number submitted, and the majority concerned migration issues. As noted by the Chair, three cases had been declared inadmissible, and a decision on the merits, upholding the complaint of a violation of the Convention, had been adopted in only one case.

14. **The Chair** said that she wished to encourage States parties to provide support for the secretariat because all new communications, even if they were inadmissible, had to be examined and the backlog would grow if the staff could not be increased.

15. **Mr. Kotrane** said that many States parties to the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict had submitted their initial reports, but a large number had not yet submitted them. Once the Committee had issued its concluding observations and recommendations, States parties were required, in accordance with article 44 of the Convention, to report on measures taken to implement them.

16. States parties frequently failed to provide comprehensive information on certain issues raised by the Optional Protocols, in particular on preventive measures taken under the Optional Protocol on the sale of children, child prostitution and child pornography to ensure that children were not targeted by prohibited practices. They also tended to be unaware of the distinction between the sale of children and child trafficking. It was essential, in addition, to report on steps taken to implement the Committee's concluding observations and recommendations.

17. **The Chair** said that the day of general discussion in 2018 would deal with the subject of children as human rights defenders.

18. **Mr. Pedernera Reyna** said that the Committee had selected that subject for the general discussion because the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the Declaration on Human Rights Defenders, had been adopted 20 years previously. The Special Rapporteur on the situation of human rights defenders had been invited to support the event. Consultations were being held in various countries and regions, and organizations and children were being invited to provide input for the discussion. The day of general discussion would take place during the Committee's seventy-ninth session.

19. **Ms. Skelton** said that the global study on children deprived of liberty had been commissioned pursuant to General Assembly resolution 69/157 and Manfred Nowak had been selected as the independent expert to lead the process. The preparation of the study had been delayed due to a lack of resources, but work had now begun. The first phase would focus on children deprived of their liberty in prisons and children in prison with their parents. Questionnaires would be issued to States parties on the subject.

20. **The Chair** said that there was a new format for concluding observations on the third or subsequent periodic report of States parties. The Committee would highlight a maximum of six urgent issues to be addressed and resolved within the following five years.

21. **Ms. Otani** said that issues pertaining to children's rights were cross-cutting and equally important. Nonetheless, six main areas of concern would be identified for States parties submitting their third or subsequent report in order to assess follow-up measures. The Committee would welcome feedback on the new format.

22. **Mr. Lumina** said that States' ability to comply with human rights obligations depended to a large extent on the availability of sufficient budgetary resources. Many States parties failed to provide sufficient information on budgetary allocations to enable the Committee to make an appropriate assessment. It would be helpful if they could furnish information on whether the Government undertook regular benefit incidence analyses to assess the impact of budgetary allocations on children. Information should also be provided on measures taken to assess whether all levels of government were implementing their budgets in line with the State's human rights obligations, whether the allocation of resources in furtherance of children's rights made the most efficient use of available funds and whether the resources spent were proving operationally efficient.

23. **Mr. Mezmur** said that he wished to draw attention to general comment No. 22 on the general principles regarding the human rights of children in the context of international migration and general comment No. 23 on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, which had been produced jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and had benefited from diverse consultations and from more than 80 written contributions from States parties. The Committee had held a launching event with the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and UNICEF on 18 December 2017 in New York and there were tentative plans to hold a similar event in Geneva. The Committee encouraged States parties to use the joint general comments in their domestic efforts to improve the situation of migrant children and in the current discussions on the global compact for safe, orderly and regular migration.

24. **Ms. Todorova** said that the Committee had decided to review its general comment No. 10 on children's rights in juvenile justice, which had been adopted in 2007. Regional legislation and numerous guidelines on justice for children had emerged since its adoption. Among the issues that would be considered as part of the review was the minimum age of criminal responsibility. The Committee was willing to promote restorative justice as an alternative to judicial measures. It also recognized the need for clear definitions and a revision of the terminology used in the general comment. Furthermore, the procedural safeguards for children in conflict with the law would be strengthened.

25. **Ms. Shino** (Japan) said that she wished to underscore the importance of giving priority to children's rights in implementing the Sustainable Development Goals. The Minister of Foreign Affairs of Japan had stated in July 2017 that his Government would implement strong and holistic policies to tackle challenges such as child poverty, youth unemployment and violence against children based on the guiding principles for implementing the Sustainable Development Goals. She asked whether the Committee included questions regarding the Goals in its lists of issues prior to reporting. She also wished to know whether the Committee had regular contacts with other treaty bodies and agencies to obtain updated information on challenges to be addressed in States parties.

26. **The Chair** said that the Committee sought updated information from a wide range of sources, such as the Working Group on the Universal Periodic Review, when producing lists of issues prior to reporting. The annual meeting of the Chairs of the human rights treaty bodies was also a useful source of information.

27. **Mr. Pin Godos** (Spain) and that his country had ratified the Convention and the three Optional Protocols and took the Committee's general comments into account in both its national jurisprudence and public policies. Spain had recently presented its combined fifth and sixth periodic reports (CRC/C/ESP/5-6), and a large and diverse interministerial delegation had engaged in an intense interactive dialogue with the Committee. It looked forward to receiving the concluding observations and recommendations. In May 2017, Madrid had hosted international consultations, organized by UNICEF Spain and the Ministry of Foreign Affairs and Cooperation, on the joint general comments of the

Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Optional Protocol on a communications procedure was of great importance. However, the administrative management of communications needed to be improved, particularly in respect of the resolution of pending cases. He had taken note of the Chair's comment regarding the shortage of personnel in the secretariat.

28. **Mr. Nelson** said that the Committee was seeking to streamline the process of dealing with communications and to resolve cases expeditiously. However, the secretariat was heavily overburdened, and budgetary restrictions also prevented speedy progress.

29. **Ms. Thallinger** (Austria) said that her country strongly supported the human rights monitoring system and welcomed the opportunity to engage in an informal exchange of views with the Committee. Austria had opted for the simplified reporting procedure in several treaty bodies on account of the increase in its reporting obligations at the international and regional levels and a decline in the personnel and financial resources available for the purpose. It therefore appreciated the Committee's introduction of a simplified procedure. As Austria had not yet ratified the Optional Protocol on a communications procedure, it welcomed all information on the number and general content of complaints and how the Committee was handling them. Her country had contributed financially to the launching of the global study on children deprived of liberty and would seek to provide useful inputs on receiving the questionnaire. Austria warmly welcomed the planned revision of general comment No. 10 on children's rights in juvenile justice.

30. **The Chair** said that States could check the number of communications under consideration on the Committee's webpage, which was regularly updated.

31. **Mr. Pinto da Silva** (Portugal) said that his country had submitted its combined fifth and sixth periodic reports (CRC/PRT/5-6) under the Convention and all three Optional Protocols the previous week. It had been prepared by the National Committee for Human Rights in consultation with civil society organizations. Portugal looked forward to its constructive dialogue with the Committee.

32. **Ms. Gfeller** (Bulgaria) said that her country remained deeply concerned about the grave violations of children's rights throughout the world. Bulgaria, which had assumed the presidency of the European Union for the first half of 2018, underscored that every child was a rights holder and that the best interests of the child should be promoted in all policies affecting children. Special attention should be given to inclusive education for children with disabilities and to the protection of migrant and disadvantaged children.

33. **Ms. Costa Prieto** (Uruguay) said that she wished to encourage the Committee's independent experts to continue visiting States parties notwithstanding the current budgetary restrictions. Uruguay had welcomed the visit by Mr. Cardona Llorens in 2017. While the authorities might not have fully shared the expert's assessment of the situation, the visit had led to a useful exchange of views. Uruguay would be submitting a report within the next few years and it supported the simplified reporting procedure owing to staff and budgetary restrictions at the national level.

34. **The Chair** said that all Committee members were ready and willing to visit States parties in response to invitations. The only exception was in cases where the Committee had already sent a list of issues to a State party for the preparation of its next report.

35. **Ms. Rodríguez Mancía** (Guatemala) said that her country's fifth and sixth periodic reports (CRC/C/GTM/5-6) had just been reviewed by the Committee. It had been an extremely useful experience for the senior officials who had participated in the interactive dialogue. Guatemala was currently awaiting the concluding observations and recommendations and looked forward to assessing the new format introduced by the Committee. Guatemala agreed that high priority should be given to children's rights in implementing the Sustainable Development Goals. During the preparation of the report and the interactive dialogue, her Government had attached great importance to the Committee's insistence on the need for cross-cutting budgetary information concerning activities on behalf of children. However, it would be very helpful for Guatemala and other countries to

have technical support from the Committee with a view to developing a methodology for assessing the impact of such activities.

36. Guatemala was doing its utmost to implement joint general comments No. 22 and 23 on migration and hoped that other States parties were equally committed to their implementation. Those general comments should also be taken into account in the discussions on the global compacts on migrants and refugees. The revision of general comment No. 10 on children's rights in juvenile justice was also of great importance. She requested additional information on the day of general discussion on children as human rights defenders.

37. **The Chair** said that the Committee was aware that States parties with a large number of problems could not be expected to resolve all of them within a five-year period. It therefore sought to highlight the six most important issues. It had engaged in an intensive discussion with UNICEF the previous day on how to assess which issues were the most important. The Committee had been analysing with an expert the type of information it required on the impact of budgetary measures and would report to States parties on the outcome.

38. **Mr. Pedernera Reyna** said that the Committee was currently drafting a document, in cooperation with Child Rights Connect and panels of experts, for the day of general discussion on children as human rights defenders. A working group would meet with children from different regions from 19 to 21 March 2018 to produce an agenda for the day of discussion.

39. **The Chair** said that the agenda would be sent to States parties in May 2018.

40. **Mr. Cardona Llorens** said that November 2019 would mark the thirtieth anniversary of the adoption of the Convention. Steps were being taken with diverse institutions to prepare a series of musical, artistic, theatrical and other events throughout the year leading to a major conference in November.

41. **Mr. Mezmur** said that he wished to warmly thank the States that had hosted consultations on the joint general comments. The consultations held in Madrid in May 2017 had been particularly useful in highlighting key issues pertaining to the rights of children in the context of international migration.

42. The Committee's working group on the Sustainable Development Goals had reviewed the Committee's action on the subject between January 2017 and 2018. It had examined 24 reports and investigated whether the Committee had issued recommendations on the subject to both developed and developing countries. The Millennium Development Goals had focused on developing countries, but the Sustainable Development Goals were equally applicable to all countries. The working group had also investigated the clusters in which most recommendations regarding the Goals had been issued, distinguishing, for example, between civil and political rights, on the one hand, and economic, social and cultural rights, on the other, and focusing on education, health, violence against children and birth registration. It was important, in addition, to alert States parties in the list of issues to problems relating to the Sustainable Development Goals.

43. The Committee was engaging intensively with other treaty bodies and the secretariat with a view to harmonizing working methods. It had also sought guidance from the jurisprudence of the Human Rights Committee and the Committee on the Elimination of Discrimination against Women for the purpose of implementing the Optional Protocol on a communications procedure.

44. **The Chair** thanked the State party representatives for their presence at the meeting and their ongoing support.

The meeting rose at 4.15 p.m.